

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DAVID MATTHEW THOMAS,)	
)	
Petitioner,)	
vs.)	Case No. 1:05-CV-620-RDP-TMP
)	
WARDEN MITCHEM; ATTORNEY)	
GENERAL OF THE STATE OF)	
ALABAMA,)	
)	
Respondents.)	

ORDER

On April 6, 2006, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2254 be dismissed with prejudice as barred by 28 U.S.C. § 2244(d). (Doc. #23). Petitioner filed his objections on April 28, 2006. (Doc. #24).

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and Petitioner's objections thereto, the court is of the opinion that the report is due to be and hereby is **ADOPTED**, and the recommendation is **ACCEPTED**. Consequently, the petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2254 in the above-styled cause is due to be and the same is hereby **DISMISSED WITH PREJUDICE** as barred by 28 U.S.C. § 2244(d).

DONE and **ORDERED** this 1st day of May, 2006.

20 pm

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE